

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Rosa Lopez,

NO. C 06-04575 JW

Plaintiff,

v.

**ORDER DENYING MOTION TO
ENFORCE SETTLEMENT; SETTING
HEARING FOR ORDER TO SHOW
CAUSE RE: DISMISSAL**

Reynita Restaurant, et al.,

Defendants.


Presently before the Court is Plaintiff's motion to enforce a settlement agreement. (See Docket Item No. 19.) In response to the motion, the Court issued an order to show cause why the settlement should not be enforced. (See Docket Item No. 21.) The Court conducted a hearing on March 24, 2008. Defendant appeared in pro se. The parties discussed the matter and represented to the Court that they wished to continue the motion to a later date so that they may resolve their dispute independently.¹ In light of the parties' representations and for the reasons stated on the record, the Court DENIES Plaintiff's motion because remedy sought by Plaintiff is unavailable under these circumstances.

The Court sets **June 23, 2008 at 9 a.m.** as a hearing on Order to Show Cause Re: Dismissal. On or before **June 13, 2008**, the parties shall file a Joint Statement in response to the Order to Show Cause. The Joint Statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file their Stipulated Dismissal.

¹ Defendants represented that they will be filing for bankruptcy.

1 If a voluntary dismissal is filed in place of a Joint Statement, the Order to Show Cause hearing will
2 be automatically vacated.

3
4 Dated: March 28, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James Dal Bon jdblaw@earthlink.net
3 Randy L. Stephens rand@randslaw.com
4

5 **Dated: March 28, 2008**

Richard W. Wiekling, Clerk

6
7 **By: /s/ JW Chambers**

Elizabeth Garcia
Courtroom Deputy